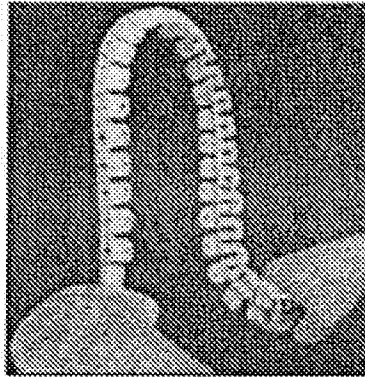


immediately walk to the gunwale for a view of the water.” (Page 1, lines 32-33, emphasis added). Bailey later reiterates that his focus is on protecting a “broad” and “horizontal” surface. (*Id.* Page 2, lines 4-5, and page 3, lines 10-16 and 23-24). In other words, Bailey’s focus was directed primarily to such surfaces, and there was no need for him to consider, and he did not consider, discuss or disclose, the design requisites for a device that could be attached to a radically curved surface in addition to a relatively flat, horizontal (and typically, broad) surface without resulting damage or permanent deformation to the device. Accordingly, there is no disclosure or suggestion in Bailey of a device which “can be bent into a curvature radius of less than one inch without permanent deformation of either said base or said braided elements.” (Quoted and underscored text from independent claims 1 and 16, as amended herein). There is also no disclosure or suggestion in Bailey of a device in which “when said base is bent in convex or concave flex the compression or extension stress placed on said braided elements is at least partially absorbed by individual strands expanding apart from, or contracting towards, other strands” or wherein when the “base is bent in any direction, the stress placed on said conductive elements is at least partially absorbed by the width of said braid-like elements expanding or contracting as said individual strands move relative to one another.” (Quoted and underscored text from independent claims 1 and 16, respectively, as amended herein).

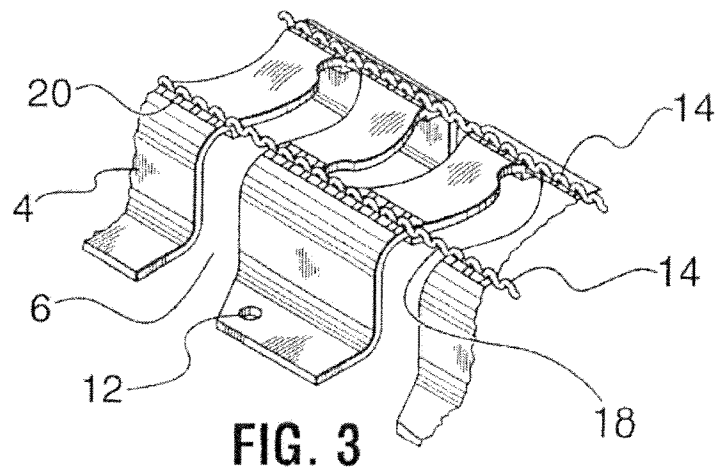
As pointed out in the attached Declaration of Dr. Jones, both of these aspects are present in applicant's invention, and both provide material improvements over the prior art. As also point out above and as discussed in Dr. Jones' Declaration, both aspects are now clearly recited in the independent claims.

In addition, the samples of prior art products submitted to the Patent Office in this case, two of which are depicted below, clearly show long felt need and efforts by others to design an effective and durable device that could be attached to both flat and curved surface:

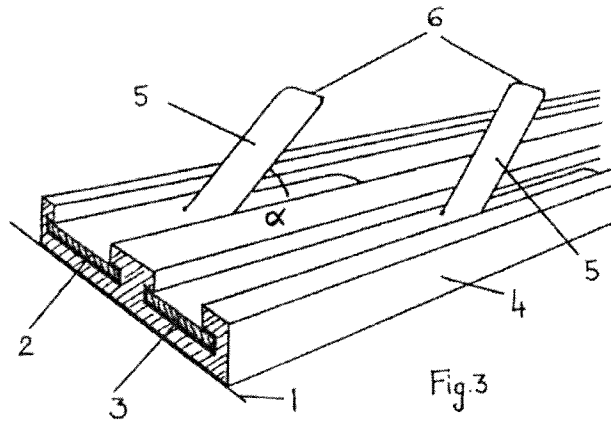


**Bends in Any Direction!**

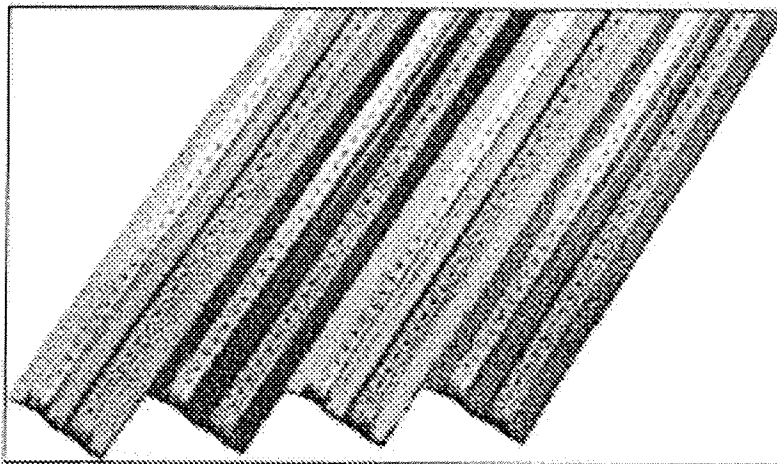
This device is also the subject of USP 6,283,064, Figure 3 of which is depicted here:



Another prior art attempt to design a device that could be attached to both flat and curved surfaces is that developed by a company Ecopic and shown in USP 6,006,698, depicted here:



This following picture is of a product introduced by a competitor after applicant's product was marketed:



**Available in Grey, Black,  
Stone & Terra Cotta!**

Long felt need, attempts by others, and then copying of applicant's product are all very strong indicia of non-obviousness.

[End of Remarks]